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10 **UNITED STATES DISTRICT COURT**

11 **DISTRICT OF NEVADA**

12
13 PHILIP WINGEN, et al.

14 Plaintiffs,

15 v.

16 VENTRUM ENERGY CORP., et al.

17 Defendants.

Case No. 2:15-cv-02043-JCM-(VCF)

**PLAINTIFFS' MOTION TO CONTINUE
TRIAL AND CALENDAR CALL
(Plaintiffs' Second Request)**

20 COME NOW Plaintiffs Phillip Wingen and Karen Wingen (the "Wingens") and hereby
21 move that the trial in this case currently scheduled to begin on November 18, 2019 and the
22 corresponding calendar call, currently scheduled for November 13, 2019, be continued. This
23 Motion is made and based upon all of the papers and pleadings on file herein as well as the
24 following Points and Authorities.

25 ///

POINTS AND AUTHORITIES

On January 9, 2019, the parties herein submitted their proposed Joint Pretrial Order which stipulated to a bench trial and included proposed dates for trial of May 6, 13, and 20. (ECF No. 162.) The Court entered a June 3, 2019 Trial date and a May 29, 2019 Calendar Call. (ECF No. 163.)

On March 8, 2019, the Fossil Defendants filed a Motion to Continue Trial and Calendar Call (ECF No. 166) due to longstanding plans by Fossil's Council to be out of the country from June 2, 2019 to June 23, 2019. On April 15, 2019, Plaintiffs filed a Notice of Non Opposition. (ECF No. 168). On April 19, 2019, the Court granted the Motion and Ordered the trial to be set for July 29, 2019 on the stacked calendar with a Calendar Call on July 24, 2019.

On June 7, 2019 Plaintiffs and the Fossil Defendants filed a Stipulation and Order for Dismissal with Prejudice of Defendants Montgomery George; Paul Grady and Jane Doe Grady; William Sturdevant; Tari Vickery; Fossil Energy, Inc., and West Salt Creek, Inc. This Court entered the Order dismissing the Fossil Defendants on June 12, 2019. (ECF No. 171.)

Following the dismissal of the Fossil Defendants, all of the defendants in the case have either been dismissed or have defaulted as follows:

<u>Defendant</u>	<u>Clerk's Default Entered</u>	<u>ECF No.</u>
Ventrum Energy Inc.	February 1, 2016	ECF No. 89
Salt Creek West Drilling Fund, LLP	February 1, 2016	ECF No. 89
Ventrum Louisiana, LLP	February 1, 2016	ECF No. 89
Mackel America Corp.	February 1, 2016	ECF No. 89
NV America Corp.	February 1, 2016	ECF No. 89
Andrew T. Van Slee (aka Andrew Slee)	April 1, 2016	ECF No. 100
Mary Hill	July 10, 2017	ECF No. 133
Danial Hassanpoor	March 7, 2019	ECF No. 165

<u>Defendant</u>	<u>Dismissal Ordered</u>	<u>ECF No.</u>
CGrowth Capital, Inc.	March 30, 2018	ECF No.146
Keystone Financial Management, Inc.	March 30, 2018	ECF No.146
William M. Wright, III	March 30, 2018	ECF No.146
Jane Doe Wright	March 30, 2018	ECF No.146
Kathrin (Catherin) Elkins	May 4, 2018	ECF No. 154
John Doe Elkins	May 4, 2018	ECF No. 154
Samco Oil, LLC	May 4, 2018	ECF No. 154
BKV Ventures, LLC	May 4, 2018	ECF No. 154
Doe Defendants 1-50	May 4, 2018	ECF No. 154
Avihail Kochlani	May 23, 2018	ECF No. 156
Tami (Jane Doe) Kochlani	May 23, 2018	ECF No. 156
Fossil Energy, Inc.	June 12, 2019	ECF No. 171
West Salt Creek, Inc.	June 12, 2019	ECF No. 171
Montgomery George	June 12, 2019	ECF No. 171
Paul Grady	June 12, 2019	ECF No. 171
Jane Doe Grady	June 12, 2019	ECF No. 171
William Sturdevant	June 12, 2019	ECF No. 171
Tari Vickery	June 12, 2019	ECF No. 171

Because the CGrowth Defendants were dismissed for lack of jurisdiction, their crossclaim against Ventrurn Energy Corp. ended with the end of their participation in the case.

Plaintiffs have filed a consolidated Motion for Default Judgment against the eight defendants subject to Clerk's Defaults (ECF # 176) but the court has not had opportunity to issue an order. Because the Defendants against whom a Default Judgment is sought are the only remaining defendants, Plaintiffs request that the court continue the trial date and associated

1 calendar call in this action.

2 CONCLUSION

3 Based on the foregoing, the trial date and associated calendar call in this action should be
4 continued.

5 Executed this 12th day of November, 2019, in Lynnwood, Washington.

6 STELLAR PACIFIC BUSINESS LAW PLLC

7 By /s/ Fara Daun

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13 By /s/ Dylan T. Ciciliano

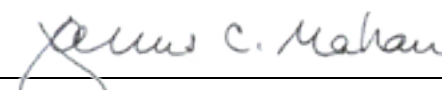
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21 Of Attorneys for Plaintiffs Phillip and Karen
22 Wingen

23 ORDER

24 IT IS HEREBY ORDERED, that the case is set for a ^{jury}~~court/bench~~ trial on the
25 ~~fixed~~ stacked calendar on March 9, 2020 at 9:00 am. Calendar call will be held on
March 4, 2020 at 1:30 pm.

26 Dated November 13, 2019.

27 
28 UNITED STATES DISTRICT JUDGE

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that, on this 12th day of November, 2019, I caused a true and correct copy of the foregoing PLAINTIFFS' MOTION TO CONTINUE TRIAL AND CALENDAR CALL (Plaintiff's Second Request) to be served via the court electronic service/ECF system on all attorneys of record.

By /s/ Anna Diallo

An employee of
GARMAN TURNER GORDON LLP